

EXHIBIT 7

**Letter from Secretary Tillerson to Acting Secretary Duke:
Recommendation Regarding Temporary Protected
Status (TPS) for Honduras**

UNCLASSIFIED U.S. Department of State Case No. F-2017-17275 Doc No. C06512794 Date: 03/29/2018

SENSITIVE BUT UNCLASSIFIEDRELEASE IN FULL(SBU) DEPARTMENT OF STATE RECOMMENDATION REGARDING
TEMPORARY PROTECTED STATUS (TPS) FOR HONDURAS – 2017I. Statutory Basis for Designation*Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?*

(SBU) Yes, the conditions under which Honduras was designated for TPS have ceased to exist. Attorney General Janet Reno originally designated Honduras for TPS on January 5, 1999, on the basis of environmental disaster. The original designation reads, "Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Based on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals" (64 FR 524). Subsequent Attorneys General and Secretaries of the Department of Homeland Security extended TPS for Honduras 13 times in 18-month increments; the most recent extension was effective July 6, 2016. The 2016 extension cited not only Hurricane Mitch, but also subsequent environmental disasters, including: (1) severe rains, landslides, and flooding, and heavy winds associated with Tropical Storm Hanna toward the end of 2014; (2) a dramatic increase in mosquito-borne diseases in 2014 and 2015; and (3) a prolonged regional drought and coffee rust epidemic (81 FR 30331).

(SBU) Honduras remains vulnerable to severe weather events, but the disruption of living conditions attributable to Mitch in the affected area has decreased in severity to a degree that it should no longer be regarded as "substantial" within the meaning of the statute. Since the storm, much of the destroyed infrastructure and housing has been rebuilt. The social and economic conditions affected by the storm have stabilized and people are able to conduct their daily activities without impediments related to the damage of Mitch.

(SBU) The conditions in Honduras that caused it to be designated for TPS on the basis of the environmental disaster – i.e., the substantial disruption of living conditions caused by Hurricane Mitch, which rendered Honduras temporarily unable to adequately handle the return of its nationals and habitual residents, no longer exist.

A. Armed conflict1. Is the foreign state currently involved in an ongoing, internal, armed conflict?

(U) No.

a. If so, would the return of nationals of the foreign state to that state (or to the part of the state) pose a serious threat to their personal safety?

(U) N/A.

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B. Environmental Disaster**1. Has the foreign state in question experienced an earthquake, flood, drought, epidemic, or other environmental disaster in the state?**

(U) Yes. Honduras is vulnerable to extreme weather events. In 1998, Hurricane Mitch swept through Central America causing severe flooding and associated damage in Honduras. Since Hurricane Mitch, Honduras has continued to experience other natural disasters.

a. If so, does there continue to be a substantial, but temporary, disruption of living conditions in the area affected?

(SBU) No. Honduras has stabilized from previous disruptions. Much of the infrastructure and housing destroyed by Hurricane Mitch has been rebuilt. While Honduras has been experiencing a prolonged drought, the Department assesses that the disruption of living conditions attributable to Hurricane Mitch should no longer be regarded as "substantial." The government has demonstrated its ability to rebuild its infrastructure and housing and provide other basic services to its citizens.

2. Is the foreign state still unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state?

(SBU) Yes. Honduras continues to suffer from the same serious security and economic challenges that have led many Honduran nationals with TPS to remain in the United States, and have spurred even more Hondurans to migrate to the U.S. since TPS was granted. The Government of Honduras received approximately 22,000 deportees from the United States and more than 45,000 deportees from Mexico in 2016. While the Honduran government's infrastructure for receiving returned migrants has improved over the last three years, it is largely due to investments by the U.S. government. If TPS is not renewed, Honduras will require significant additional resources and coordination to adequately receive the immediate return of an additional 86,163 former TPS beneficiaries and potentially their family members.

(SBU) The immediate return of 86,163 Hondurans who currently hold TPS could overwhelm the government's ability to properly reintegrate them and make it more likely they would attempt to return to the United States illegally. Recognizing most Hondurans who migrate do so for economic reasons, adding tens of thousands of returnees to an economy that is not prepared to integrate them will only exacerbate the principal driver of illegal immigration. This would also impose severe burdens on a cooperative but under-resourced Honduran government and would be counterproductive to U.S. interests.

(SBU) If the Government of Honduras were expected to immediately receive and reintegrate 86,163 deportees and potentially their family members, it would likely cause a negative public reaction and strain the bilateral relationship. Many of the deportees would be accompanied by their U.S.-born children, many of whom would be vulnerable to recruitment by gangs. The Honduran government would be forced to dedicate significant resources to receiving its nationals, which would undermine the medium to longer-term U.S. economic, security, and

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governance goals in Honduras, and would likely lead to an increase in illegal immigration from Honduras to the United States.

3. Does the foreign state continue to support the TPS designation?

(SBU) Yes. Honduran President Juan Orlando Hernandez met with Vice President Pence on June 15, 2017, on the margins of the Conference on Prosperity and Security in Central America in Miami and requested an extension of TPS. On July 18, 2017, Honduran Minister of Foreign Affairs Maria Dolores Agüero Lara submitted an official request for extension.

C. Extraordinary and Temporary Conditions

- 1. Has the foreign state experienced extraordinary and temporary conditions that prevent aliens who are nationals of the state from returning to the state in safety?**

(U) N/A.

- 2. Would permitting nationals of the foreign state to remain temporarily in the United States be contrary to the national interest of the United States?**

(U) N/A.

II. Discretionary Factors

What, if any, additional information relevant to this decision should be brought to the attention of the Department of Homeland Security?

(SBU) Honduras is a consistent partner of the United States. It has shown itself willing to proactively address concerns related to illegal immigration by investing time, money, and political capital in trying to keep its citizens in Honduras. It is also a receptive partner for the U.S. government and other governments in the region seeking to deport Honduran nationals. Honduran authorities have also extradited numerous fugitives, including Honduran nationals to the United States since 2014, including a number of major drug traffickers.

(SBU) As a part of the U.S. strategy in Central America, the U.S. government is providing approximately \$2 billion in FY 2015 to FY 2017 assistance to secure our borders, protect U.S. citizens, and increase opportunities for U.S. and other businesses. U.S. engagement and programs aim to dismantle transnational criminal organizations, combat drug trafficking, halt illegal immigration, and promote sustainable economic growth by addressing the underlying causes of insecurity, impunity, and lack of economic opportunity. These efforts, combined with Honduras' own efforts under the Alliance for Prosperity, protect U.S. national security and create conditions to incentivize Honduran citizens to remain and prosper in their home country.

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(SBU) Despite recent improvements in Honduras' security situation, insecurity and widespread unemployment and low wages continue to be among the main factors cited by returned migrants for their decision to migrate to the United States.

(SBU) In rural areas that are largely dependent on subsistence agriculture, one out of five Hondurans continues to live in extreme poverty (on less than USD \$1.90 per day according to the World Bank). These rural areas, where a disproportionately large number of Hondurans in the United States, including TPS beneficiaries, originate, have been particularly affected by the drought, which has been persisting since 2014, and many families have resorted to reducing their caloric intake. According to a July 2016 United Nations World Food Programme report, one in four people in Honduras are struggling to feed themselves.

(SBU) Although Honduras was able to reduce its national homicide rate from 86 per 100,000 in 2011 to 58 per 100,000 in 2016, it continues to have one of the highest murder rates in the world for a country not at war. This was not always the case, and continues to represent extraordinary circumstances created by a combination of gang activity, drug trafficking, and poor economic conditions. To the extent efforts the government and the international community are helping to bring down this rate, it is a temporary condition that can change with continued implementation of improved security and economic policies.

(SBU) Impunity for all categories of crime, including serious offenses like murder and kidnapping, is high. Yet the current administration, with U.S. assistance, has taken steps to address these problems. Honduras has been a collaborative extradition partner, leading many Honduran criminals to self-surrender in lieu of probable arrest and extradition. Nearly 30 such indicted criminals now face justice in the United States for corruption, drug trafficking, and money laundering. The Honduran government is implementing a roadmap to overhaul the Honduran National Police, which has included replacing its troubled former investigative division with a new, better trained and equipped force that is currently up and running. It is also working to hire 15,000 new officers by 2022, roughly 3,200 per year above attrition, almost doubling the size of the force.

(SBU) Permitting Hondurans to remain temporarily in the United States would not be contrary to the U.S. national interest. Current TPS beneficiaries have been in TPS status in the United States for 18 years. The population has been stable and has successfully settled there. The current practice of returning newly arrived illegal migrants via the resumed non-criminal deportation flights has greatly disincentivized new attempts at large-scale illegal migration.

III. Recommendation

(SBU) Since the grounds for Honduras' January 5, 1999 designation for TPS on the basis of environmental disaster no longer exist, the Department recommends that should the Acting Secretary of Homeland Security decide to terminate TPS for Honduras, that the Acting Secretary designate an effective date to provide TPS benefits for 36 months beyond the end of the current designation to allow for an orderly transition. Providing the Honduran government more time to improve security and economic conditions and repatriation systems would increase the likelihood Hondurans would return voluntarily and reduce the likelihood deported migrants would seek to return to the United States illegally. It would also

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allow the U.S. government the time to mitigate any possible negative foreign policy impacts stemming from the decision to ensure sustained effective bilateral cooperation on a wide range of issues, such as combatting transnational criminal organizations and addressing the underlying causes of illegal immigration. Moreover, since 1999, Honduran nationals have had TPS, and during that time, many started families, opened businesses, and bought houses and properties. A delayed effective date would provide them and their family members with time to organize their departure from the United States.

(SBU) In addition, the Department recommends that the public announcement of a new effective date be delayed until November 27 so as not to interfere in the domestic politics of Honduras' November 26 presidential election. In order to meet a statutory requirement, the Department of State recommends communication of a DHS decision to the head of government only on November 3.

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